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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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8 BRUCE D. BULLOCK,

9 Plaintiff,

10 vs.

11 NANCY A. BERRYHILL, Acting Commissioner
of Social Security,

12 Defendant.

2:18-cv-01679-JAD-VCF

ORDER

[Motion/Application for Leave to Proceed in
forma pauperis (ECF No.1)]

13 Before the court is Plaintiff Bruce D. Bullock's Motion/Application to Proceed *In Forma Pauperis*
14 (ECF No. 1).

15 Plaintiff asserts in his application to proceed *in forma pauperis* that he receives \$3696.00 in VA
16 disability compensation. *Id.* His monthly expenses total \$4,715.00 and \$10,397.00 in debt. Accordingly,
17 Plaintiff's request to proceed *in forma pauperis* is granted pursuant to § 1915(a).

18 Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a complaint
19 pursuant to § 1915(e). Specifically, federal courts are given the authority to dismiss a case if the action is
20 legally "frivolous or malicious," fails to state a claim upon which relief may be granted, or seeks monetary
21 relief from a defendant who is immune from such relief. § 1915(e)(2). "To survive a motion to dismiss,
22 a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is
23 plausible on its face." *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (internal quotations and citation
24 omitted).

1 In considering whether the plaintiff has stated a claim upon which relief can be granted, all material
2 allegations in the complaint are accepted as true and are to be construed in the light most favorable to the
3 plaintiff. *Russell v. Landrieu*, 621 F.2d 1037, 1039 (9th Cir. 1980). When a court dismisses a complaint
4 under § 1915(e), the plaintiff should be given leave to amend the complaint with directions as to curing
5 its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by
6 amendment. *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (citation omitted).

7 Here, Plaintiff has not listed any allegations in his complaint. In fact, his complaint only contains
8 headings of Jurisdiction, Complaint, and Demand. There are no sentences in his complaint. It would
9 seem as though Plaintiff forgot to include the rest of his complaint.

10 Accordingly,

11 IT IS ORDERED that Plaintiff's Application to Proceed *In Forma Pauperis* (ECF No. 1) is
12 GRANTED.

13 IT IS FURTHER ORDERED that by October 11, 2018, Plaintiff must amend the Complaint to
14 include claims and why this court has jurisdiction.

15 IT IS FURTHER ORDERED that if an amended complaint is later filed, the Clerk of the Court is
16 directed NOT to issue summons on the amended complaint. The Court will issue a screening order on the
17 amended complaint and address the issuance of Summons at that time, if applicable. See 28 U.S.C. §
18 1915(e)(2).

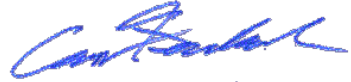
19 NOTICE

20 Pursuant to Local Rule IB 3-1, a party may object to orders issued by the Magistrate Judge.

21 Objections must be in writing and filed with the Clerk of the Court within fourteen days. (See L
22 RIB 3-1). The Supreme Court has held that the courts of appeal may determine that an appeal has been
23 waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
24 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure

1 to properly address and brief the objectionable issues waives the right to appeal the District Court's order
2 and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153, 1157
3 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

4 DATED this 11th day of September, 2018.



5 CAM FERENBACH
6 UNITED STATES MAGISTRATE JUDGE
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